

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 987

Amending Appellate Rule 204  
(a)(5) concerning amendments to  
pending appeals.

IT IS ORDERED:

Appellate Rule 204(a)(5) is amended to provide:

(5) Effect of Taxing of Costs,  
Prejudgment Interest and Awarding of Attorney's  
Fees.

[a] The running of the time for  
filing an appeal is not terminated by  
proceedings related to the taxing of costs  
pursuant to Civil Rule 79 or while awaiting  
calculation of prejudgment interest or  
proceedings related to the award of attorney's  
fees. However, the statement of points on  
appeal filed pursuant to Appellate Rule 210(e)  
and the designation of record on appeal filed  
pursuant to Appellate Rule 210(a)(1) may be  
amended by motion by an appellant or cross-  
appellant to include the award or denial  
{SUBJECTS} of costs and attorney's fees or  
prejudgment interest and pertinent portions of  
the record. [AND] These subjects will  
thereafter be considered part of the appeal if  
covered in the brief of appellant or cross-  
appellant. If no appeal or cross-appeal is  
pending, the allowance of costs and attorney's  
fees or the award of prejudgment interest shall  
be considered a final judgment subject to

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separate appeal limited to the subject of costs, attorney's fees or prejudgment interest.

[b] Notwithstanding Rule 203, the pendency of an appeal shall not divest the trial court of jurisdiction to consider the matters of costs and attorney's fees pursuant to Civil Rules 79 and 82.

DATED: July 13, 1989

EFFECTIVE DATE: January 15, 1990

\_\_\_\_\_  
Chief Justice Matthews

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Justice Rabinowitz

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Justice Burke

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Justice Compton

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Justice Moore